

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5877**
 Naoya SHIBATA et al. : **Mail Stop: PCT**
 Serial No. 10/539,746 : **Attorney Docket No. 2005-1012A**
 Filed June 20, 2005 :
 FLUORESCENT SUBSTANCE- OR
 CONTRAST MEDIUM-CONTAINING
 LATEX POLYMER PARTICLES, AND
 A PROCESS TO PRODUCE THE SAME :
 [Corresponding to PCT/JP2003/016325
 Filed December 19, 2003]

THE COMMISSIONER IS AUTHORIZED
 TO CHARGE ANY DEFICIENCY IN THE
 FEE FOR THIS PAPER TO DEPOSIT
 ACCOUNT NO. 23-0975.

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC 371

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is responsive to the PTO Notification of Missing Requirements Under 35 U.S.C. § 371 mailed February 1, 2006.

This Notification indicates that additional claim fees of \$125.00 as a small entity are required, for six total claims over twenty. However, claim 9 is an **improper** multiple dependent claim, because it includes dependency on claim 7 which is also a multiple dependent claim. Furthermore, each of claims 14 and 15 is an **improper** multiple dependent claim, because they include dependency on 13 which is a multiple dependent claim. Therefore, for fee purposes, each of claims 9, 14 and 15 counts as a single claim. See MPEP 608.01(n). Accordingly, for fee purposes, there are a total of twenty-one claims (two of which are independent). The filing fee (\$655.00) included a fee of \$25.00 for one claim over twenty. Therefore, the filing fee submitted with the application is proper, and no additional filing fee should be required.

The Notification also indicates that an oath or Declaration of the inventors is required . However, an executed Declaration was filed with the present application on June 20, 2005. A copy of the executed Declaration and a copy of the PTO postcard receipt including the executed Declaration, are enclosed. Therefore, neither the Declaration, nor the surcharge of \$65.00, should be required.

A copy of the Notification is also enclosed.

Accordingly, the application is considered to be in condition for examination. Therefore, issuance of a Notice of Acceptance and Official Filing Receipt is requested.

Respectfully submitted,

Naoya SHIBATA et al.

By: 

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COPY

ATTY DOCKET #: 2005-1012A

Due Date: June 19, 2005

OUR REF: 2005-012A/MRD/00202

Applicant: Naoya SHIBATA et al.

Serial No.: NEW

Title:

FLUORESCENT SUBSTANCE- OR CONTRAST MEDIUM-CONTAINING
LATEX POLYMER PARTICLES, AND A PROCESS TO PRODUCE THE
SAME

JC10 Rec'd PCT/PTO 20 JUN 2005

Filing Date: June 20, 2005

Receipt of the following papers is acknowledged:

10/539746

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. § 371 (National stage application of PCT/JP2003/016325)
2. Attachments: Translation of International Application comprised of 47 pages and 2 sheets of A4P drawings (Figs. 1-2), executed Declaration and Power of Attorney, Information Disclosure Statement, Form PTO-1449 and 1 reference, Form PTO-1595 Recordation Form Cover Sheet with executed Assignment, PCT Request, Forms PCT/IB/301, 304, 306 and 308, International Search Report, and first page of published International Application (WO 2004/056894)
3. Check in the amount of \$695.00

Date June 20, 2005

Attorney MRD/pth

[Check No. 68854]



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/539,746	FIRST NAMED APPLICANT Naoya Shibata	ATTY. DOCKET NO. 2005-1012A
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513
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INTERNATIONAL APPLICATION NO. PCT/JP03/16325	
I.A. FILING DATE 12/19/2003	PRIORITY DATE 12/19/2002

RECEIVED
 FEB 02 2006

WENDEROTH, LIND & PONACK

CONFIRMATION NO. 5877
 371 FORMALITIES LETTER

 OC000000017922800

Date Mailed: 02/01/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/20/2005
- English Translation of the IA filed on 06/20/2005
- Copy of the International Search Report filed on 06/20/2005
- Information Disclosure Statements filed on 06/20/2005
- Request for Immediate Examination filed on 06/20/2005
- U.S. Basic National Fees filed on 06/20/2005
- Priority Documents filed on 06/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$125 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$190 for a Small Entity:

- \$65 Surcharge.
- Total additional claim fee(s) for this application is \$ 125
 - \$125 for 6 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,746	PCT/JP03/16325	2005-1012A